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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,599	09/15/2000	Paul Lapstun	NPA025US	2174

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BALMAIN, 2041
AUSTRALIA

EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/663,599

Applicant(s)

LAPSTUN ET AL.

Examiner

Edward R. Cosimano

Art Unit

3629

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-21 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8-21 and 25-34 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/15/00 & 10/13/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3629

1. Applicant should note the changes to patent practice and procedure:

A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997;

B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000; and

C) Amendment in revised format, Vol. 1267 of the Official Gazette published February 25, 2003.

2. The communication filed on October 10, 2003 by facsimile is non-responsive to the prior Office action because:

A) applicant failed to submit the extension of time fee of \$110.00 in order to make the response filed October 10, 2003 timely as indicated in the request for an extension of time; and

B) applicant failed to correct the remaining objections listed below in sections 4-6.

2.1 Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter. EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR 37 C.F.R. § 1.136(b) UP TO A MAXIMUM OF SIX MONTHS.

3. The proposed drawing correction filed October 13, 2003 has been approved.

3.1 it is noted that applicant is no longer claiming small entity status.

4. The drawings are objected to because

A) the following errors have been noted in the drawings as filed September 15, 2000 and October 13, 2003:

(1) from the context of the description of figs. 19(a), 19(b) and 19(c) between page 32, line 28, and page 33, line 21, "Figures 19(a), 19(b) and 19(c) show ... surface tension at the meniscus 316.", the drawings lack fig. 19 as disclosed at page 11, lines 17-18, "Figure 19 ... elements shown in Figure 13;".

Art Unit: 3629

(2) The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description, that is reference number(s):

(a) 838 of fig. 25 as disclosed in the paragraphs at:

(1) page 38, lines 7-13, "A hyperlinked group 866 is a group element 838 ... and therefore shared as soon as it occurs."; and

(2) page 38, lines 18-24, "A form 867 is a group element 838 ... form class diagram is shown in Figure 32.".

(b) 1016 & 1017 as disclosed in the paragraph at page 80, lines 17-19, "Rather than accepting ... users 1016. The barred user list 1017 ... the user refuses to accept e-mail.".

(3) The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

(a) 350a & 350b in fig. 15 as described between page 74, line 8, and page 77, line 2, The master print engine ... which in the current design exceeds 30kHz.".

(4) the drawings lack figs. 19(a), 19(b) and 19(c) as disclosed between page 32, line 28, and page 33, line 21, "Figures 19(a), 19(b) and 19(c) show ... surface tension at the meniscus 316.".

4.1 A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4.2 Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

5. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data on page 1 & 2,
with the current status of each of the referenced applications, e.g., --now abandoned--,
or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) as required by 37 CFR § 1.84(p(5)) and 37 CFR § 1.121(e) the specification
lacks an explicit reference to the nature of:

(1) reference legend(s):

(a) 350a & 350b of fig. 15 as described between page 74, line 8,
and page 77, line 2, The master print engine ... which in the current
design exceeds 30kHz.”; and

(2) how the program proceeds after box(es):

(a) 894 of fig. 38 if the inquiry is "NO" in the paragraph between
page 41, line 14, and page 42, line 3, “Figure 38 ... maintained by the
registration server.” and

(b) 896, 897 & 902 of fig. 38a if the inquiry is "NO" in the
paragraph at page 42, line 4-16, “Figure 38a ... the digital signature to
the field value.”.

In this regard, it is noted that merely mentioning a number with out mentioning the
device or operation of the step relies on the drawing to provide support for the
disclosure and not to aid in the understanding of the invention, as is the purpose of the
drawings (37 CFR § 1.81(a,b)).

C) the following errors have been noted in the specification:

(1) as can be seen in figs. 11, 12, 12a & 13 and from the context of the
paragraph at page 15, lines 19-26, “The netpage printer ... in Figures 11 to 13
... portable and miniature versions.”, at lines 1-2 of this paragraph “11 to 13”
should be --11, 12, 12a and 13--.

(2) applicant use of the phrase “code code” at line 1 of the last paragraph
on page 20, “Any suitable error-correcting code code can ... herein incorporated
by cross-reference.”, is confusing.

(3) as can be seen in fig. 5a and from the context of the paragraph at page 21, lines 2-6, "The physical representation ... data areas 18. The fixed ... individual bits of the encoded tag data."; at line 2 of this paragraph "18" should be -18a, 18b, 18c and 18d--.

(4) from the description of figs. 19(a), 19(b) and 19(c) between page 32, line 28, and page 33, line 21, "Figures 19(a), 19(b) and 19(c) show ... surface tension at the meniscus 316.", the brief description of the drawings lacks a description of figures 19(a), 19(b) & 19(c) in the paragraph at page 11, lines 17-18, "Figure 19 is ... elements shown in Figure 13;" as required by 37 CFR § 1.74, hence at line 1 of the paragraph at page 11, lines 17-18, "Figure 19 is" should be -Figures 19(a), 19(b) and 19(c) are--.

(5) as can be seen in fig. 25 and from the context of the paragraph between page 41, line 14, and page 42, line 3, "Figure 38 ... formatted element 839 whose zone 58 ... maintained by the registration server.", at line 4 of this paragraph "839" should be -835--.

(6) the disclose lacks an explicit description of fig. 41 as required by 37 CFR § 1.74.

(7) applicant's use of the phrase "Volt 47" at lines 4-5 of the paragraph between page 70, line 30, and page 71, line 4, "The image sensor is a 215x215 pixel ... Itakura, K T Nobusada, N Okusanya, R Nagayoshi, and M Ozaki, "A 1mm 50k-Pixel IT CCD Image Sensor for Miniature Camera System", IEEE Transactions on Electronic Devices, Volt 47, number 1, January 2000, which is incorporated herein by reference) with an IR filter.", is confusing, should "Volt" be -Vol.--.

(8) the disclose lacks an explicit description of each feature of fig. 15 as required by 37 CFR § 1.74.

(9) the disclose lacks an explicit description of fig. 16 as required by 37 CFR § 1.74.

Art Unit: 3629

(10) as can be seen in at least fig. 16 and from the context of the disclosure at page 76, lines 7-11, The print engine controller 360 ... while the page is loaded.", at line 1 of this paragraph "360" should be -760--.

(11) the specification lacks a statement of --We claim:--, (see MPEP 608.01(m)).

Appropriate correction is required.

6. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

7. The following is an Examiner's Statement of Reasons for Allowance over the prior art of record:

A) the prior art for example:

(1) Horst (2,417,163) discloses printed decodable encoded information on a substrate.

(2) the Packaging Week article, discloses the use of a dual head printing system to simultaneously print information at two locations.

(3) Wolff et al (GB 2306669) discloses a stylus that includes a CCD array for reading coded information on a substrate.

(4) Dougherty et al (WO 99/18487) discloses a stylus that includes a CCD array for reading coded information on a substrate, where the coded information controls the operation of a system.

(5) either Ikeda (5,938,727) or Zazzu et al (2002/0043562), disclose encoding destination information as a barcode on a substrate.

(6) Shachar (6,012,102) discloses encoding information as a bar code and placing the barcode on a business card.

B) however, in regard to claims 1 & 18, the prior art does not teach or suggest:

(1) the use of a substrate with encoded data and a reference point;

(2) the use of a sensing device that senses the identity of the substrate, e.g. business card, from the encoded data;

(3) the sensing device determines the relative position of the sensing device in regard to the substrate from the encoded data; and

(4) determines from the encoded data whether or not a first user may send information, for example, e-mail, to a second user.

Claims 2, 3, 8-17 (as they depend from claim 1), 19, 20 & 25-34 (as they depend from claim 18), are allowable for the same reason.

C) however, in regard to claims 4 & 21, the prior art does not teach or suggest:

(1) the use of a substrate with encoded data and a reference point;

(2) the use of a sensing device that senses a request on substrate, e.g. business card, from the encoded data;

(3) the sensing device determines the relative movement of the sensing device in regard to the substrate from the encoded data; and

(4) determines from the encoded data whether or not a first user may send information, for example, e-mail, to a second user.

Claims 8-15 & 17 (as they depend from claim 4) & 25-34 (as they depend from claim 21) are allowable for the same reason.

8. Response to applicant's arguments.

8.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been overcome by applicant's last response.

8.2 As per the objections to the drawings and specification, since:

A) applicant describes figs. 19(a), 19(b) and 19(c), as separate figures, these figures must be separately designated;

B) applicant failed to correct the objections designated in sections (3)(A)(2)(b), (3)(A)(3)(a) & (3)(A)(4), these objections have been maintained;

C) applicant failed to correct the objections designated in sections (4)(B)(1)(a), (4)(B)(2)(a), (4)(B)(2)(b) & (4)(C)(1)-(4)(C)(11), these objections have been maintained;

D) in regard to objections (4)(C)(8) & (4)(C)(9), it is noted that rule 1.74 requires that the disclosure to contain both a brief description of each figure and a detailed description of each figure;
applicant's arguments are non persuasive.

9. Since the examiner does not have access to the following documents that have been mentioned in the disclosure, the following documents have not been considered by the examiner:

A) in the last paragraph on page 20, "Any suitable error-correcting code code can ... Stephen B. Wicker, Error Control Systems for Digital Communication and Storage, Prentice-Hall 1995, ... herein incorporated by cross-reference).".

B) in the paragraph at page 23, lines 10-22, "The four perspective target ... (see Heckbert, P. Fundamentals of Texture Mapping and Image Warping, Masters Thesis, Dept. of EECS, U. of California at Berkeley, Technical Report No. UCB/CDS 89/516, June 1989, ... herein incorporated by cross-reference).".

C) in the paragraph at page 39, lines 21-27, "A text field has ... Tappert, C., C.Y. Suen and T. Wakahara, "The State of the Art in On-Line Handwriting Recognition", IEEE Transactions on Pattern Analysis and Machine Intelligence, Vol. 12, No. 8, August 1990, ... herein incorporated by cross-reference).".

D) in the paragraph between page 39, line 28, and page 40, line 6, "A signature ... Plamondon, R and G. Lorette, "Automatic Signature Verification and Writer Identification - The State of the Art", Pattern Recognition, Vol. 22, No. 2, 1989, ... herein incorporated by cross-reference).".

E) in the paragraph between page 70, line 30, and page 71, line 4, "The image sensor is a 215x215 pixel ... Itakura, K T Nobusada, N Okusenya, R Nagayoshi, and M Ozaki, "A 1mm 50k-Pixel IT CCD Image Sensor for Miniature Camera System", IEEE Transactions on Electronic Devices, Volt 47, number 1, January 2000, which is incorporated herein by reference) with an IR filter.".

10. The shorten statutory period of response is set to expire 1 (one) month from the mailing date of this Office action.

Art Unit: 3629

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

11.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

11.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

11.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

04/05/04



Edward R. Cosimano
Primary Examiner A.U. 3629